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A  
SEASONABLE  
MEMENTO  
Both to  
King and People  
Upon this  
CRITICAL JUNCTURE  
OF  
AFFAIRES.

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*Nullo modo eis Artibus placatur Divina Majestas,  
quibus Humana Dignitas inquinatur. Aug. de  
Civ. Dei.*

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# SEASONABLE Memento, &c.

**I**T is grown into a Custom ( I know ) to smooth the way for the *Grosse* of the *Subject* in Agitation, by some preliminary Apology or Complement to the *Courteous Reader* ; but yet, for reasons best known to my self, I shall at this time pass over the Ceremonious Flourish of an *Introduction*, and *without Welt or Guard* ( as they say ) fall upon my *Province*, which is to make out, That neither upon pretext of Religion, Personal Vices, Excesses in Government, or any other Colour whatsoever, the Subjects of the *Crown of England* may withdraw their *Obedience*, or make *Hostile Resistance* to King *Charles* our present Sovereign ; being by right of *Inheritance* justly possess'd of the *Crown* ; his *Title* no way depending either upon his *Divine* or *Moral* Virtues ; and the said *Subjects* having receiv'd him, and acknowledged him for their *Only Supreme Governour*, done him *Homage*, and sworn to him *Faith* and *Allegiance*, *Absolutely* and without *Condition*.

AS for other Princes and Potentates, whether *Elektive* Kingdoms, or such as ( at the *Erection* of them ) were received by the *First King* upon *Express Covenant*, and only with a *Conditional Obedience* ; ( as is pretended by those of *Aragon*, and *Others* ; ) of *These* I shall not here discourse. Neither shall I speak of those

*Kings and Princes* who acknowledge (in *Spiritual* Matters) a *Superiour Jurisdiction* in the *Pope* over them; who further stickleth (by necessary Relation and Dependency of the *Temporal* upon the *Spiritual*) to have also a *Temporal Power* over them, *in ordine ad Spirituality*; And hath often put this his *Claim* in Practice, by accompanying his *Spiritual Censure* of *Excommunication*, with the *Sentence* of discharging *Subjects* of their *Obedience* to their *Princes*, and so consequently of *Deposing* them. Herewith I shall not meddle; None of These *Cases* being applicable to *This* in question of *King Charles*, who is no *Elective King*, but holdeth his *Crown* by an Unquestionable *Title* of *Succession*, deriv'd to him by *Descent* from his *Ancestours*, for the space of more than Six hundred years: Neither was there ever any *Pat* or *Condition* with *Him*, or any of his *Progenitours*, of *Forfeiture*; (which in *This Case* neither *was*, nor ever can be justly pretended.) True it is, that his *Ancestours* and *Himself* have been pleas'd to limit and restrain their *Legal Right* by many *Concessions* and *Laws*, in some *Cases*; as the making of *Laws* without Consent of *Peers* and *People*, the *Levy*ing of *Money*, &c. which he cannot *Violate* without great *Injustice*, as shall be after shown: But no such *Pat* or *Covenant* can be produced, whereby, upon *Breach*, he *Forfeith* his *Sovereignty*, or maketh it *Justifiable* for his *Subjects* to take up *Arms* against, or to inflict *Punishments* upon his *Person*, either by *Detroning*, *Death*, or *Imprisonment*:

THE *Case* likewise of *Roman Catholick Princes* no way concerneth *Him*, who acknowledgeth not in a *Pope* any such *Superiour Authority*: So that whatsoever *Pretences* may be in some *Cases*, concerning such *Princes* as I have above specified; (wherein I shall not presume to deliver my *Opinion*) yet in the *Present Case* of *Our King*, there can be no colourable *Pretence* of *taking Arms* against *Him*, or of *Deposing* *Him*; which I understand to be (in effect) when he is divested of his *Just Regal Power*; Or of the *Imprisoning* of his *Person*, which I understand to be not only when he is actually in *Bonds*, or lockt up in a *Room*; but also when the *Liberty* of *Going*, and the *Freedom* of *Speaking* is restrained, to such *Places*, or *Persons*, as *Others* shall please: and he remain under a *Guard*; not of his *Own* chusing, but impos'd upon him by *Others*.

IT must be acknowledged, that the Kings of England derive their Title and Right from *William the Norman*; who, although he came in by *Conquest*, yet his *Successors* (considering that a *Right Acquir'd by Force*, may likewise be Recover'd by *Force*, by those upon whom the forcible Intrusion was made) were pleas'd, by way of *Pact* and *Stipulation*, to limit and qualify that (*Imperium Absolutum*) *Absolute Dominion* which is acquired by *Conquest*: And the People of England thereupon did submit themselves to his *Government*; and thereby was Constituted *Imperium Legitimum*, a *Just* and *Rightfull Sovereignty*; the *Kings* remaining with *Supreme Power*, and the *People* with *Common Right*; whereby they were freed from the *Servitude* of *Conquest*, and remain'd under a *Free Subjection*; whereunto they had by their voluntary Consent submitted themselves.

THE Kings likewise did recede from *Absolute* and *Arbitrary Power*, and remain'd with *Supreme*, but not with *Absolute Empire*.

BY *Free Subjection*, I understand when a People live under *Laws* to which they have given a *Free Consent*, and not under the *Meer will* of the Prince; and that they retain such a *Propriety* in that which is their *Own*, that without *Their Assent*, or *Legal Forfeiture*, it cannot be taken from them: And this is a true difference betwixt a *Free Subject*, and a *Slave* or *Servant*. *Quicquid acquirit Servus, acquirit Domino; Liber, quod acquirit, acquirit Sibi*; Whatsoever a *Slave* gets, he gets for his *Master*; but what a *Free-man* gets, is for *Himself*. And so although the *Dominion* of *All* belongs solely to the Prince, yet *Propriety* refers to *Every man*; *Dominium Totum apud Cæsarem, Proprietas apud Singulos*.

THE Difference that I understand betwixt a *Supreme*, and an *Absolute Empire*, is, That in *Absolute Empire* the *Rule* of the Peoples *Obedience* is only the *Sovereigns Will*. So it is in *Turky*, *Muscovy*, and all such *Princes* as retain *Entire* the *Rights* of *Conquest*; and was in some sort under the *Roman Emperours* after the *Lex Regia* was establish'd by the *Peoples* Consent; whereby they transferr'd their *Entire Rights* unto *Him*.

*Supreme Empire* I understand to be, when a King has a *Supremacy* and *Sovereignty* over all, but his *Absolute Power* is limited and restrain'd by reciprocal *Pacts*, *Laws*, and *Stipulations* betwixt

*Prince and People*; which is the *Case* of the Crown of *England*: and to these *Parts* the *King* and *People* are equally bound before God and man; and the *King* is as much bound to *Justice*, to the *Protection* of his *Subjects*, and to the *Observance* of the *Laws*, (not onely out of *Religion*, but even of *Morall Honesty* also) as the *Subject* is to *Obedience*. And he is not onely accountable to God, but even his *People* have certain Just and Legal wayes to seek *Redress*, wherein he shall do *Wrong*; notwithstanding that *Axiome* of our *Common Law*, That the *King* can do no *Wrong*; which is false in many senses, and may very well be call'd *Fictio Juris*, a kind of *Metaphysicall Fiction*: *Le Roy ne fait Tort*, being onely to be understood in the ordinary Course of *Justice*; which the *King* administering by his *Ministers*, and not in *Person*, it is *They* that are the *Wrong-doers*, and not the *King*; and the *Subject*, against *Them*, is to seek his *Remedy*. For *Kings* may do *Wrong*, and be as wicked as *Other* men, commit *Murder*, and wrongfully take away *Other mens Estates*; which no *Fiction* of the *Law* can make not to be *Wrong*; although his *Person* be exempt from *Punishment*. And that *Abstract* Consideration of the *King*, for his just *Power* and *Office*, as it hath often, *Heretofore*, been ill us'd in way of *Ostentation*; so, in our *Late Troubles*, there was as ill use made of it, on the *Other* hand; when the *saking up Arms* and the *Fighting* against him, was pretended not to be against the *KING*, but onely against *CHARLES STUART*. But (to speak in plain *Intelligible Terms*) a *King* both may do *Wrong*, and the *People* may seek their *Redress*, in such sort as the *Law* of the *Land* allowes. And the difference betwixt *King* and *Peoples Failing* in their *Reciprocall Duties*, is not but that they do *wrong* alike, offend God alike, and are both of them liable to be question'd, according to the *Extent* of the *Law*, by both their *Consents* establish'd. The *Subjects* transgressing the *Law*, shall be punish'd according to the quality and measure of the *Offence*: *Felony*, by the *Loss* of their *Goods* and *Chattles*, and by a *Milder Death*; *Treason* by a more *Severe Death*, and *Confiscation* both of *Goods* and *Inheritance*. But hereof they must be *Convict*, *per Paras*, by *People* of their *own* Condition, and adjudg'd by a *Superiour Jurisdiction*; which can be deriv'd *Onely* and *Singly* from the *King*. So that the *King*, not having his *Peer*, nor any of his *Own* Condition, cannot have a *Legal Tryall*; and having no *Jurisdiction Superiour* to Him-

Himself, cannot be *Adjudg'd* or *Sentenc'd* by any : for neither the Extent of the *Law*, nor any Condition of the *Paſſis*, or *Stipulation*, do reach to the *Puniſhing* of the *Perſon* of the *King*, or the *Forfeiture* of his *Dominion* over us. Certain it is that (in *Civill* things) *Tryalls* may be, (and often are) brought againſt the *King*; and *Kings* do give way that the *Judges* be ſworn to do *Equall Juſtice* betwixt *Them* and their *Subjects*: and in points of *Oppreſſion* and *wrong*, we may *Remonſtrate* our *Grievances*, and challenge *Redreſs* by our *Petitions*; which, if they be not condeſcended unto, we may inſiſt upon them as our *Right*, and claim them as a *Due*, and not as of *Grace*: But yet we muſt do it by way of *Petiſion*, as being a *Dutifull Form* of *Subjects* bringing their *Plea* againſt the *King*; for in other ſort He ought not to be *Impleaded*. Beſide theſe *Petiſions* of *Right*, we may alſo *Remonſtrate*, enter our *Proteſtations*, and take all thoſe *Courſes* which the *Laws* allow. Neither ought the *King* to take *Offence* at theſe *Legall Conteſtations* with him; becauſe, by his *Aſſent* unto the *Laws*, he hath *Aſſented* unto *Them*: Nay he ought, in *Them*, to do us *Right*; being oblig'd thereunto by the *Law* of *God*, by his *Oath*, and by *Morall Honesty* and *Juſtice*. But yet if he fail in all theſe *Duties*, Our *Juriſdiction* reacheth not to his *Perſonall* *Puniſhment*. Therein he is *Sub Nullo niſi ſub Deo*, under none but *God*; and the *Law* ſtops *There*, and tells us, *Satis ſufficit ei ad panam, quod Deum habet Ultozem*, that it will be a ſufficient *puniſhment* to him that he hath *God* for an *Avenger*. Yet are we not altogether left without *Remedy*; for *Kings* although they be *God's Vice-gerents*, yet they cannot work as *God* does, ſaying *Fiat*, and it was done; *Kings* muſt work by *Mediate* *Inſtruments*; and if they command *Illegal* Things, the *Executioners* of them are *Reſponſible*, and muſt make ſatisfaction to the *Parties injur'd*. And therefore the *King* ought not *Immediately* to *Imprison*, nor in *Perſon* to *Execute* any thing; becauſe that in caſe of *Wrong-doing*, the *Subject* would then be deſtitute of all means of *Redreſs*, in regard the *King's Perſon* is not to be *Impleaded* by *Law*. I know the uſual *Objections*, In caſe *Kings* will do that which they ought not to do, and will, by their own immediate *Warrants* *Commit*, and be the *Perſonall* *Authors* of the *Injuries*, or not ſuffer the *Executioners* of their *Illegal* *Commands* to be *Legally* proceeded againſt; ſhall the *Subject* be left wholly without *Remedy*, and debarr'd the *Benefit* of that

Right

Right of Nature, *in-bred in all Creatures, of self Preservation* ? Yes ; we must be contented with that *Condition* wherein *God* hath placed us ; and wherein, by our *Own* Consents, and Stipulations of *Subjection*, *We* have placed our selves ; and may onely right our selves by those means which, by the *Laws*, (whereunto we have given our Consent) are permitted unto us : Neither is our *Native Liberty* hereby ravish'd from us ; but as we have parted with it by our own *Voluntary agreement*, so neither can we resume it, but by those wayes which we have reserv'd in the Stipulations of our *Submission*. And beside that herein there is no *Injury*, for that *Volenti non fit Injuria* ; it would be more *Hurtfull* to Mankind, if it were *Otherwise* : for there is a necessity that in all sorts of *Governments*, as well as in *Monarchy*, there should be an *Impunity*, and *Power*, somewhere, of not being *question'd* ; otherwise all would be hurl'd into *Anarchy* and *Confusion* ; Neither could there be any finall *Determination* of Controversies, if there were not a *Derniere Ressort*, and *Last Appeal*, wherein we are bound to *Acquiesce*. Now this *Power* must be trusted in some hand, and *That* must of necessity be, where the *Sovereign Power* remaineth ; otherwise, there must be supposed a *Superiour Power* to that *Sovereign Power*, and so in *Infinitem*, untill we come to some such *Power* as hath nothing above it ; and then *That* must be entrusted, and be submitted to, without being accountable to *Any* but to *God* ; because on Earth there can be to it no *Superiour Jurisdiction*. And this *Power* is in the King of *England* in all things, such onely excepted, wherein *Himself* or his *Ancestours* have, by *Laws* and *Stipulations*, limited their *Absolute Power* ; as was said before. And *This* we are by the Law of *God*, and of the *Land*, bound to *Obe*, and not to make any *Resistance*, but what the *Law* alloweth us : We must, in the Rest, have recourse unto *God*, if our *Princes* be *Wicked* ; neither may we *Mutiny*, or *Repine* at *God*, when we have *Ill* Kings, more than when he sendeth *Diseases*, *Plagues*, *Caterpillars*, *Blightings* or *Blasts*. For *wicked Kings* are but *Blastings* of the *People* that *God* is pleas'd to Punish : neither must we think *Our Condition* worse than that of *Wicked Kings* ; (notwithstanding their *Temporall Impunity*) for certainly it is much *Better*, both in regard of Punishment in the *World to Come*, and commonly in *This*. For the *Next World* as *Their Sin* is greater ; so it is declar'd that their *Punishment* shall be greater also, *Hear, O ye Kings, and Under-*



*Understand, &c. Because, being Ministers of Gods Kingdom, you have not judg'd aright, nor kept the Law, nor walked after the Counsel of God; horribly and speedily shall be come upon you, for a sharp Judgment shall be to them that are in High Places, for Mercy will soon pardon the Meanest, but Mighty men shall be mightily Tormented. Wisd. 6. v. 1, 2, 3, 4, 5, 6. Whereas Subjects, who suffer with Patience, because they are so commanded by God, make him their Debtor by their Sufferings; and he always payeth faithfully, who saith, that if we suffer with Christ, we shall also Reign with him. And for this World, their Wickedness and Oppression is still accompanied with these Fears, Distractions, and Horrors of Conscience, which have ever been inseparable from Tyrannies; by which their Lives are render'd more uncomfortable, than the Unhappiest of their Subjects. And for the most part, their Ends are as miserable as their Lives; for what they Fear, and by their Tyranny seek to prevent, doth commonly fall upon them: Their People do Revolt and Rebel; and although they be never so well Chatechized in the points of Obedience; yet their Natural Inclination to recover their Liberty, much more to cast off Unjust Burthens, and Oppressions, is such, that sleight and weak Arguments will easily perswade them to that, whereunto they are so strongly inclined, and the least pretence of Religion, or Colour of Reason or Lawfulness, countenancing or tolerating the Freeing themselves from Subjection, in any Case, will be more prevalent with them, than the most passitive Precept of Gods Word, enjoying Obedience. If in any case taking up Arms be admitted, theirs shall ever be that Case. And if the Wickedness of their Prince shall be allow'd as a ground of their Rebellion, their Prince shall ever be the most Wicked: Of all this, all Ages have produced many Examples, and especially these Later Times, through all the Estates of Christendom. And wicked Princes will find, that Precepts in this case will not serve the Turn; for tho' Hostile Resistance against the King be expressly prohibited by the Word of God, both in the Old and New Testament; tho it be against the Doctrine and Practice of the Primitive Church, and the present Tenets, and Confessions of Faith, of all the Reformed Churches in the World, though it be contrary*

trary to the Solemn *Oath of Fidelity*, and *Allegiance* sworn to the King; the *Laws* of the Land (which make it *Treason*) and *Moral Honesty* and *Justice*; yet will it be in this point of *Resistance* (as *Tacitus* says of *Divinations* in *Rome*) which was a *Wickedness* that had been, and ever would be forbidden, yet ever would be Retained: *Semper Vetabitur, & semper retinebitur*. And so to Princes that will highly Oppress, and make their Will, and not the *Laws*, the *Rule* of their Government, although (I say) to resist be a *Wickedness*, and that it be against the *Law of God* and *Man* to do it; yet where the *Wrongs* are Great, and a Fair Opportunity offer'd of Prevailing, it will be ever done: For that amongst men, there are a Thousand for One, that prefer their own Interest or Inclination, before Duty or Conscience. And certainly, a Prudent and Foreseeing Prince, that will impartially examine things, cannot but expect it should be so. For why should he suppose, that Other men will be more Honest, or more Religious than Himself? And when he breaks through all the Bonds and Ties of *Oaths of Divine Precepts* and *Moral Justice*, only to stretch and extend his Power and Greatness; why should we not expect, that Subjects should make as bold to transgress the same Duties, in hope of Recovering Liberty; with even the False shew, whereof People are apter to be further transported, than by any Earthly Desire whatsoever? Neither will the Fear of Death or Danger restrain them; because they will not Attempt, untill Opportunity make them hopeful of Prevailing; and then they consult by Power to provide for their own Impunities.

BUT besides this Proneness in People to be easily led and perswaded into Rebellion, under the false and specious Shew of recovering Liberty; the great Monarchs and Princes of Christendom have been (in great part) the Fomenters and Upholders of it, and their Doctors have not so much by their Preaching and Writing beaten it down, as the Kings themselves have, by their Examples and Actions, given Encouragement unto it; for although I shall ever speak with Reverence of Princes and their Proceedings, yet I shall hope that the humble Representation of this Truth will receive a fair Interpretation. For it is undeniably true, that in this latter Age, all the great Monarchies and States of

of *Christendom* have been render'd unhappy by *Intestine Wars*, which have been encourag'd (if not contriv'd and design'd) by one Christian Prince against *Another*, every one countenancing and indulging *Rebellion*, untill it become his *Own Case*, and then he is offended. Of this I shall give no particular Instances, the Notariety of it is too great, and I fear every *State* may too easily apply it to what themselves have done: And it may be apprehended, that the sad Condition of many *States of Christendom*, at this present day, may exhibit something of Gods *Judgments*, upon that Account, who hath said; *With what Measure ye mete, it shall be measur'd to you again.* Mat. 7. 12.

AND wicked Kings, as they are sure they shall not 'scape the severe *Judgment* of God in the next World (if they do believe the *Scripture*) so (if they will believe *ancient Histories* of what has past in former Times, or their own *Experience* of what they see daily with their Eyes; or that they do believe that God will repay unto them that which they have either countenanc'd or contriv'd against others) they must expect to have troublesome and uncomfortable *Lives*, accompany'd with Hatred, Hazzard, and Infamy. And if these Considerations will not restrain them, yet *We* must not be *Wicked*, because *They* are so: Neither will God admit of *Recrimination* for our *Excuse*. Our Duty of not resisting is *Positive*, upon pain of *Damnation*; from which no good *Success* or *Prevailing*, can keep us, although it may save us from the *Gallows*. Beside this great Hazard of our *Souls*, *Moral Prudence* teacheth us, that a *Civil War* which (I hope yet we have no great reason to fear) is commonly a *Cure much worse than the Disease*: For no *Oppression*, nay no *Tyranny*, brings with it half those Miseries and Calamities, which of Necessity, do ever accompany an *Intestine War*. *Wicked Kings* may be cruel, covetous and licentious; yet their *Oppressions* and their *Lusts* are restrained to some *Wickednesses*, and to some *Persons*: But in a *War*, *Rapes*, *Murthers*, *Robberies*, *Sacrledges*, and all manner of *Impieties* break in, and all sorts of People are made miserable, which the poor Kingdom of *England* has found true by sad Experience; where, in the Space of five years only, (from 1641 to 1646) more was taken from the *Subject*, than would have been exacted by *Subsidies*, *Projects*, or any unjust *Taxes* whatso.

whatsoever, by the *worst* of Kings, in the Space of a *Hundred* and so were all other *Wickednesses* increas'd proportionably.

*I SHALL* conclude this *Discourse* with my humble and hearty Prayers to God Almighty to *avert* his heavy *Displeasure* (which the Multitude of our Sins may give us just Cause to dread) from this Nation; at present the most prosperous and flourishing of any in *Europe*; and that the *publick Calamities* that befell the Kingdom in the late unhappy *War*, and the lamentable *Distractions*, and *Confusions* that were wrought by our Dissentions, both in *Church* and *Commonwealth*, may be a Lesson to the People to value and esteem *Peace*, and not so *wantonly* to engage themselves afresh in *New Miseries*.

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*THE END.*

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